



MIAMI BEACH

Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
September 21, 2006

Mayor David Dermer
Vice-Mayor Jerry Libbin
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 5:00 p.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports Requests
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business and Commission
R10 City Attorney Reports

Reports and Informational Items

CONSENT AGENDA

Action:

Moved:

Seconded:

Vote:

C7 - Resolutions

- C7A A Resolution Adopting And Appropriating Funds For The Fiscal Year 2006/07 Police Special Revenue Account Budget In The Amount Of \$25,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue - Account. (Page 2)
(Police Department)
- C7B A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For The Fiscal Year 2006/07 In The Amount Of \$61,835 To Be Funded From The Proceeds Of State Confiscated Funds. (Page 7)
(Police Department)
- C7C A Resolution Adopting And Appropriating Funds For The Fiscal Year 2006/07 Police Training Trust Fund Budget In The Amount Of \$42,000. (Page 12)
(Police Department)

End of Consent Agenda

Condensed Title:

A Resolution adopting and appropriating funds for the Fiscal Year 2006/07 Police Special Revenue Account Budget in the amount of \$25,000.

Key Intended Outcome Supported:

Increase Resident and Business ratings of Public Safety.

Issue:

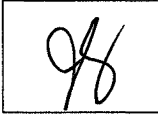
Shall funds be provided for the purchase of miscellaneous items for the Miami Beach Police Department?

Item Summary/Recommendation:

Unclaimed evidence totaling \$25,000 has been in the custody of the Police Property Management Unit past the sixty (60) day waiting period. These funds have now been placed in the Police Special Revenue Account Fund as provided by Resolution 90-19931, passed on March 7, 1990.

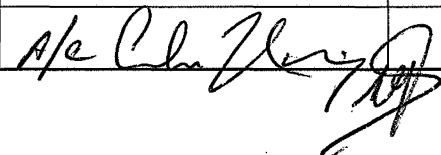
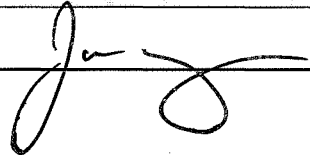
The Administration recommends that the Mayor and City Commission adopt the budget for the Fiscal Year 2006/07 Police Special Revenue Account in the amount of \$25,000 and appropriate funds.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:		Amount	Account	Approved
 OBPI	1	\$ 25,000.00	Special Revenue Account	
	2		195.8000.369993	
	3			
	4			
	Total	\$ 25,000.00		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 21, 2006

SUBJECT:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE FISCAL YEAR 2006/07 POLICE SPECIAL REVENUE ACCOUNT BUDGET IN THE AMOUNT OF \$25,000, SUCH ACCOUNT FUNDED BY UNCLAIMED EVIDENCE CURRENTLY HELD IN THE POLICE SPECIAL REVENUE - ACCOUNT.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Florida Statute 705.105 "Procedure for Unclaimed Evidence" provides that unclaimed evidence in the custody of the court from a criminal proceeding, or seized as evidence by and in the custody of a law enforcement agency, shall become the property of that law enforcement agency 60 days after the conclusion of the proceedings.

In March 1990, a special account was established titled "Police Special Revenue Account" in the Special Revenue Fund. Funds for this account are made available in the Police Property Management Unit, as unclaimed evidence, in accordance with Florida Statute 705.105 outlined above.

Unclaimed evidence totaling \$25,000 has been in the custody of the Police Property Management Unit past the sixty (60) day waiting period. These funds have now been placed in the Police Special Revenue Account Fund, as provided in Resolution 90-19931, passed on March 7, 1990.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Budget for the Fiscal Year 2006/07 Police Special Revenue Account, and appropriate the amount of \$25,000 to provide funds for the purchase of miscellaneous items for the Police Department listed on Exhibit "A".

JMG:DD:ic

RESOLUTION No. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE FISCAL YEAR 2006/07 POLICE SPECIAL REVENUE ACCOUNT BUDGET IN THE AMOUNT OF \$25,000, SUCH ACCOUNT FUNDED BY UNCLAIMED EVIDENCE CURRENTLY HELD IN THE POLICE SPECIAL REVENUE - ACCOUNT.

WHEREAS, Section 705.105, Florida Statutes, "Procedures for Unclaimed Evidence", provides that title to unclaimed evidence in the custody of the court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency, shall vest permanently in the law enforcement agency sixty (60) days after the conclusion of the proceedings; and

WHEREAS, such funds have been in the custody of the Police Property Management Unit past the sixty (60) day waiting period, and these funds have now been placed in the Police Special Revenue Account Fund, as provided by Resolution No. 90-19931, adopted on March 7, 1990.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that \$25,000, which is currently being held in the Police Special Revenue Account, be appropriated for the Fiscal Year 2006/07 Police Special Revenue Account Budget for the purchase of items listed on Exhibit "A".

PASSED and ADOPTED this 21st day of September, 2006.

Mayor

ATTEST BY:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

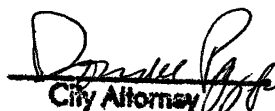
 9/15/06
City Attorney Date

EXHIBIT "A"

**MIAMI BEACH POLICE DEPARTMENT
SPECIAL REVENUE ACCOUNT
BUDGET
FISCAL YEAR 2006/07**

PROMOTIONAL ACTIVITIES	\$ 15,500
related to law enforcement programs sponsored by the Chief of Police including items/programs which are not funded with general funds. These items/ programs including, but not limited to, Big Brothers/Big Sisters, Take Your Child to Work Day, miscellaneous expenses such as activities related to the Police Memorial Services, Miami Beach Chamber of Commerce, the American Heart Association, Annual Read Aloud Crowd, Learning For Life, Muy Bien Bilingual Program Community Crusade Against Drugs, the South Beach Hispanic Chamber of Commerce, Unidad, Kiwanis Special Activities, and Boys and Girls Club events. The primary purpose of these funds are for miscellaneous expenses related to activities for Police initiatives, memorial services, special youth programs, and other philanthropic, community organizations.	
MISCELLANEOUS OPERATING SUPPLIES, EQUIPMENT AND BUILDING ITEMS	\$ 5,000
which were unforeseen and not budgeted for during FY 2006/07.	
Horticultural/foilage maintenance provided to the Police Station and the North End Sub-Station.	\$ 4,500
TOTAL	\$ 25,000

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Condensed Title:

A Resolution adopting and appropriating funds for the Fiscal Year 2006/07 Police Confiscation Trust Fund Budget in the amount of \$61,835 to be funded from the proceeds of the State Confiscated Funds.

Key Intended Outcome Supported:

Increase Resident and Business ratings of Public Safety.

Issue:

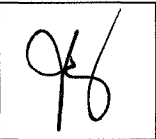
Shall the Mayor and City Commission adopt and appropriate funds for the Fiscal Year 2006/07 Police Confiscation Trust Fund Budget?

Item Summary/Recommendation:

The Chief of Police has reviewed and identified the needs for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

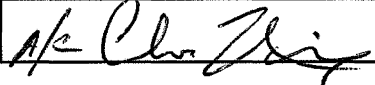
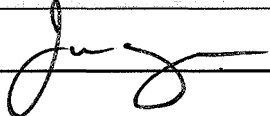
The Administration recommends that the Mayor and City Commission adopt the budget for the Fiscal Year 2006/07 Police Confiscation Trust Fund Budget and appropriate funds in the amount of \$61,835.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:		Amount	Account	Approved
 OBPI	1		Confiscation Funds:	
	2	\$ 41,835	607.8000.351210 State funds	
	3	\$ 20,000	607.8000.361145 State funds- Interest Earnings	
	4			
	Total	\$ 61,835		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 21, 2006

SUBJECT:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2006/07 IN THE AMOUNT OF \$61,835 TO BE FUNDED FROM THE PROCEEDS OF STATE CONFISCATED FUNDS.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Florida Statute 932.7055 provides for expenditures of forfeiture funds for law enforcement purposes.

The Miami Beach Chief of Police, Don De Lucca has reviewed and identified the need for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies. These forfeiture funds have been deposited in the Police Confiscation Trust Fund. The City has complied with all statutory procedures involved in the transaction of these funds.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the budget for the Fiscal Year 2006/07 Police Confiscation Trust Fund and appropriate funds in the amount of \$61,835, to be funded from the proceeds of State Confiscation Funds as listed in Exhibit "A".

JMG/DD/ic

RESOLUTION No. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2006/07 IN THE AMOUNT OF \$61,835 TO BE FUNDED FROM THE PROCEEDS OF STATE CONFISCATED FUNDS.

WHEREAS, Section 932.7055, Florida Statutes, addresses the purpose and procedures to be utilized for the appropriation and expenditures of the Police Confiscation Trust Fund; and

WHEREAS, the Chief of Police of the City of Miami Beach has determined that the need for appropriation and expenditures exist and the appropriation and expenditure of forfeiture funds is in compliance with Section 932.7055, Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies; and

WHEREAS, funds in the amount of \$61,835 are available in the Police Confiscation Trust Fund.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission for the City of Miami Beach hereby adopt and appropriate the Fiscal Year 2006/07 Police Confiscation Trust Fund Budget in the amount of \$61,835, to be funded from the proceeds of State Confiscated Funds as reflected in the attached Exhibit "A".

PASSED and ADOPTED this 21st day of September, 2006.

Mayor

ATTEST BY:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**


 9/15/06
City Attorney Date

EXHIBIT "A"

**MIAMI BEACH POLICE DEPARTMENT
CONFISCATION TRUST FUND
BUDGET
FISCAL YEAR 2006/07**

STATE FUNDS:

COST CONNECTED WITH THE PROSECUTION AND PROCESSING OF FORFEITURE CASES	\$	1,200
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CRIME PREVENTION INITIATIVES & SCHOOL LIAISON PROJECTS	\$	8,000
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The Crime Prevention Unit coordinates various community programs such as Neighborhood and Business Crimewatch, Police Community Relations Team, Citizens on Patrol, Security Communication Assistance Network (SCAN) and The Citizens' Police Academy. The School Liaison personnel will implement new programs for the elementary schools of Miami Beach.

ACCREDITATION for operating expenses, travel and initiatives related to both State and National re-accreditation.	\$	12,000
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ORGANIZATIONAL DEVELOPMENT TRAINING AND EXECUTIVE TRAVEL	\$	10,000
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Executive travel for required events or meetings related to the International Association of Chiefs of Police and other organizational development initiatives and trainings.

MIAMI BEACH POLICE ATHLETIC LEAGUE	\$	20,000
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Operating expenses for the first quarter of FY 2006/07

DONATION TO THE DRUG FREE YOUTH IN TOWN	\$	2,000
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ORGANIZATION (DFYIT) for Nautilus Middle School and Miami Beach Senior High School

SUB-TOTAL STATE FUNDS	\$	53,200
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GRANT MATCHES:

BYRNE GRANT: Electronic ticketing initiatives	\$	2,635
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Remaining Match Funds (See also Resolution No. 2006-26264) for the BYRNE Grant.

BULLETPROOF VEST PARTNERSHIP GRANT, Year 2006*	\$	6,000
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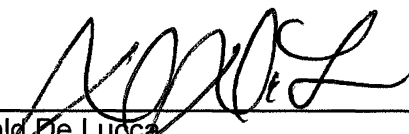
*estimated

SUB-TOTAL OF STATE FUNDS (Grant Matches)	\$	8,635
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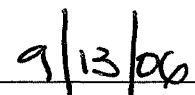
TOTAL STATE FUNDS	\$	61,835
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AFFIDAVIT

I, Donald De Lucca, Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Confiscation Trust Fund, for the 2006/07 fiscal year providing funds for expenditures as indicated on Exhibit "A", complies with the provisions of Section 932.7055(4)(a), Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.



Donald De Lucca
Chief of Police
Miami Beach Police Department



Date

Condensed Title:

A Resolution adopting and appropriating funds for the Fiscal Year 2006/07 Police Training Trust Fund Budget in the amount of \$42,000.

Key Intended Outcome Supported:

Increase Resident and Business ratings of Public Safety.

Issue:

Shall the Mayor and City Commission adopt and appropriate funds for education of Miami Beach Police Department personnel?

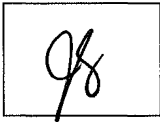
Item Summary/Recommendation:

The Police Training Trust Fund provides funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training/operational supplies in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Section 938.15, Florida Statutes the source of such funds being court costs from criminal proceedings.

In accordance with Florida Statute, Section 938.15, Criminal Justice Trust Fund, such funds are currently available amounting to \$42,000.

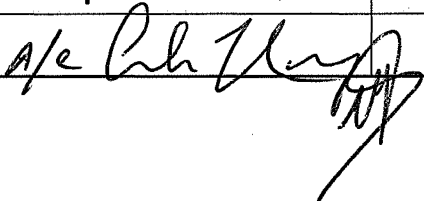
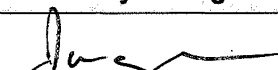
The Administration recommends that the Mayor and City Commission adopt the budget for the Fiscal Year 2006/07 Police Training Trust Fund and appropriate funds in the amount of \$42,000.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
 OBPI	1	\$ 42,000.00	Police Training Trust Fund
	2		608-8000-351300
	3		
	4		
	Total	\$ 42,000.00	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 21, 2006

SUBJECT:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE FISCAL YEAR 2006/07 POLICE TRAINING TRUST FUND BUDGET IN THE AMOUNT OF \$42,000.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Florida Statute, Section 938.15, entitled "Criminal Justice Education for Local Government", provides for funds to be made available to the law enforcement agency for expenditures related to criminal justice education degree programs and training courses.

The Police Training Trust Fund provides funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training, operational supplies in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Florida Statute, Section 938.15; the source of such funds being court costs from criminal proceedings.

In accordance with Florida Statute, Section 938.15, entitled "Criminal Justice Education for Local Government, such funds are currently available amounting to \$42,000, such funds being court costs from criminal proceedings.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the budget for the Fiscal Year 2006/07 Police Training Trust Fund and appropriate funds in the amount of \$42,000.

JMG:DD:ic

RESOLUTION No. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND
APPROPRIATING FUNDS FOR THE FISCAL YEAR 2006/07
POLICE TRAINING TRUST FUND BUDGET IN THE AMOUNT OF
\$42,000.**

WHEREAS, Section 938.15, Florida Statutes, entitled "Criminal Justice Education for Local Government", provides for funds to be made available to the law enforcement agency for expenditures related to criminal justice education degree programs and training courses; and

WHEREAS, funds in the amount of \$42,000, are currently available in the Criminal Justice Training Trust Fund, said funds derived from court costs from criminal proceedings.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby adopts and appropriates the Fiscal Year 2006/07 Police Training Trust Fund Budget in the amount of \$42,000.

PASSED and ADOPTED this 21st day of September, 2006.

Mayor

ATTEST BY:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Doreen Pappas 9/15/06
City Attorney Date

AFFIDAVIT

I, Donald De Lucca, Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Training Trust Fund for the 2006/07 fiscal year, to provide funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training and operational supplies, is in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Section 938.15 and 943.25, Florida Statutes.



Donald De Lucca
Chief of Police
Miami Beach Police Department

9-7-06

Date

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